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C O N F I D E N T I A L YEREVAN 000257

SIPDIS

DEPT FOR G/TIP, DRL AND EUR/CACEN

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TAGS: [PGOV](#) [PREL](#) [KCRM](#) [AM](#) [KTIP](#)

SUBJECT: TIP: CONCERNS ABOUT PROSECUTORIAL MISCONDUCT

REF: 04 YEREVAN 2540

Classified By: CDA A.F. Godfrey for reasons 1.4 (b) and (d).

SUMMARY

1. (SBU) Balancing Armenia's considerable progress over the past year in successfully prosecuting trafficking in persons (TIP) cases are serious, persistent allegations that senior members of the Prosecutor General's office are susceptible to outside influence. We have raised our concerns about possible collusion between prosecutors and traffickers with the MFA and Prosecutor General's office. End Summary.

LOWER CHARGES BY DESIGN?

2. (SBU) We have already noted the problem of prosecutors charging traffickers with lesser charges, i.e., charging them with pimping instead of with trafficking. Aristakes Yeremyan is the principal investigator in the Prosecutor General's office who deals with trafficking cases. In conversations with us he has demonstrated a lack of sensitivity, but has said nothing that would directly tie him to illegal activities. He has insisted to us, for example, that "pimping" is the correct charge to use in trafficking cases because, "all the prostitutes knew in advance" that they would be working as prostitutes in Dubai, and that the pimps spend "so much money on these women, on their makeup, perfume, clothes" and that this is very expensive."

PAYOFFS TO THE PROSECUTORS DURING TRIPS TO DUBAI?

3. (C) Yeremyan told us about his late-summer 2004 trip to Dubai within the context of touting his efforts to combat trafficking. He at first told us he had gone to Dubai at his own expense, then claimed that his trip had been funded by the International Organization on Migration (IOM) -- a claim that we subsequently proved to be false. Edik Baghdasaryan, from the Association of Investigative Journalists NGO, alleged that two people from the Prosecutor General's office, including Yeremyan, had traveled to Dubai in August to collect "taxes" and pay-offs from local pimps. According to Baghdasaryan, certain pimps, including Marieta Musaelyan, had subsequently turned themselves in to Armenian authorities after negotiating special prosecutorial consideration and lower charges for themselves or their immediate relatives.

4. (C) Hrachia Kazhoyan, former IOM Senior National Programme Adviser, told us that Yeremyan had traveled to Dubai on the invitation of a pimp, Anahit Malkahsyan. (Note: Hasmik Hakobyan, the former trafficking victim arrested for trafficking others, allegedly worked for Malkahsyan in Dubai (reftel). End Note.) Kazhoyan also alleged that Yeremyan was working with the traffickers in Dubai.

5. (C) A Ministry of Justice official confirmed for us that the Ministry has knowledge of the Prosecutor General's office's problems, but has insufficient proof to intervene. (Note: The Minister of Justice, David Harutunyan, and Prosecutor General, Aghvan Hovsepian, are bitter political rivals. End Note.)

RAISED CONCERNS WITH GOAM

6. (C) We have raised concerns with the GOAM about the integrity of the prosecutorial process in regards to trafficking prosecutions, both during the Ambassador's meeting with Prosecutor General Hovsepian and during working-level meetings at the MFA.

COMMENT

7. (C) We have no way of verifying the allegations against Yeremyan, however, the detailed nature of the allegations

tends to lend plausibility to them. Unfortunately the GOAM does not have effective measures in place to routinely screen for, identify and prosecute cases of alleged prosecutorial abuse. We will continue to follow this issue closely.

GODFREY